



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

M-F

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/026,293

12/21/2001

Robert Palmquist

1011-001US01

8120

28863 7590 08/11/2006

SHUMAKER & SIEFFERT, P. A.
8425 SEASONS PARKWAY
SUITE 105
ST. PAUL, MN 55125

EXAMINER

SPOONER, LAMONT M

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/026,293	Applicant(s) PALMQUIST, ROBERT	
	Examiner Lamont M. Spooner	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-9,11,12,16,18,22,26,28,29,32,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-9,11,12,16,18,22,26,28,29,32,37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 5/18/06, with respect to the rejection(s) of the claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Weiner (US 2003/0023424) in view of Teicher (US 2001/0032070).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 6-9, 11, 12, 16, 18, 22, 26, 28, 29, 32, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner (US 2003/0023424) in view of Teicher (US 2001/0032070).

As per claim 1, Weiner teaches a method comprising:

capturing an image in a first language with a digital camera of a device (Fig. 2a item 1020, claim 1);

establishing with the device a wireless connection with a network
(Fig. 1 item 30, claim 1).

transmitting the image into the first language from the device over the
network via the wireless connection (Fig. 2a item 1020-image, claim 1);

receiving at the device translation the text in a second language over
the network via the wireless connection (ibid, Fig. 2b, item 1090 claim 1);
and

displaying at the device the translation of the text in the second
language (ibid, claim 1).

but lacks explicitly teaching capturing an image containing text
(p.4.0038) and displaying at the device the translation of the text,.

However, Teicher teaches these lacking elements (Fig. 3a, 3c). Therefore
at the time of the invention it would've been obvious to combine Weiner's
mobile unit with digital camera with Teicher's camera, providing the benefit
of portable image translation, utilizing a server.

As per **claim 3**, Teicher further teaches displaying the image (Fig. 3a,
claim 3).

As per **claim 4**, Teicher further teaches displaying the image and displaying the translation of the text in the second language simultaneously (Fig.3c, claim 4)

As per **claim 6**, Weiner further teaches transmitting an image in the first language over the network (p.2.para. 0021, claim 6), receiving translation in the second language over the network (Fig. 2a, Fig. 2b item 1090, claim 6), but lacks a first image containing a first text, and a second image containing a second text in the first language. However Teicher further teaches wherein the image is a first image containing first text, the method comprising: a second image containing second text in the first language (p.2.para. 0021, claim 6), receiving translation of the first text and the second text in the second text (ibid, claim 6). Therefore at the time of the invention it would've been obvious to combine Weiner's mobile unit with digital camera with Teicher's camera, providing the benefit of portable translation of selectable images containing text, utilizing a server.

As per **claim 7**, Weiner further teaches transmitting the first image and the second image over a network in response to a single command from a user (p.2.para 0028-his objects/pictures and recognition by single request to translate objects, claim 7).

As per **claim 8**, Teicher further teaches displaying one of the translation or the first text and the translation of the second text in response to a command from a user (ibid-necessary, Fig. 3c, claim 8).

As per **claim 9**, Weiner further teaches compressing the image (p.2.para 0024, 0025, claim 9).

As per **claim 11**, Weiner further teaches prompting a user to provide additional information comprising at least one of an account number, an identification of the first language, an identification of the second language, a dictionary and a server location (Fig. 2a item 1010, inherent to the translation to a language, claim 11).

As per **claim 12**, Weiner further teaches wherein the network comprises a cellular telephone network (p.2.para 0024, 0025, claim 12).

As per **claim 28**, claim 28 sets forth limitations similar to claim 1, and is thus rejected for the same reasons and under the same rationale, wherein Teicher further teaches generating from the first image a second image containing the text in response to a command from a user, wherein generating the second image includes editing out one or more portions of the first image that do not include the text (Fig. 3b, p.2.para 0021)

As per **claims 16, 18, 22** (see rejection of previous claims-the different device inherent to the wireless transmission, cell phone..., claim 22, see claims 1, 12).

As per claims **26, 29, and 32, and 37, 38**, see previous rejections.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms
08/03/06



RICHEMOND DORVIL
SUPERVISOR, PATENT EXAMINER